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General and complete disarmament

Transparency and confidence-building measures in outer space activities

Report of the Secretary-General**

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I. Introduction

1. In paragraph 1 of its resolution 61/75 on transparency and confidence-building measures in outer space activities, the General Assembly invited all Member States to submit to the Secretary-General before its sixty-second session concrete proposals on international outer space transparency and confidence-building measures in the interest of maintaining international peace and security and promoting international cooperation and the prevention of an arms race in outer space.

2. On 16 February 2007, a note verbale was sent to all Member States drawing their attention to paragraph 1 of resolution 61/75 and seeking relevant information on the issues outlined above. The replies received from Bolivia, China, Cuba, the Libyan Arab Jamahiriya, Mexico, the Russian Federation and Ukraine are reproduced in section II below. Any replies subsequently received from other Member States will be issued as addenda to the present report.

II. Replies received from Governments

Bolivia

[Original: Spanish]
[26 June 2007]

Analysis

1. At previous sessions, items on mass destruction, especially nuclear disarmament and non-proliferation, were to a large extent the most important items relating to this type of convention.

2. Of the 54 draft resolutions and draft decisions adopted, 17 dealt with nuclear issues. The statements made by delegations focused on issues connected with nuclear non-proliferation and small arms.

3. The withdrawal of draft resolution A/C.1/61/L.23 demonstrates the confusion surrounding a treaty banning the production of fissile material.

4. Where other weapons of mass destruction are concerned, the measures for the implementation of the Convention on chemical weapons are widely supported.

5. Regional conventional disarmament has reached a new stage which requires the adoption of urgent and decisive measures, especially with regard to the problem of small arms and light weapons.

6. As a Member State, Bolivia has participated in various United Nations events and meetings where new measures in the search for agreements to prevent an arms race in outer space were discussed.

7. As regards outer space transparency and confidence-building measures, Bolivia, even though it has no weapons legislation, continues its support and affirmative voting in the various United Nations debates, thereby demonstrating its goodwill towards the maintenance of international peace and security.

Conclusions

8. As a State Member of the United Nations, Bolivia needs to have weapons legislation in support of disarmament activities and the maintenance of peace and in compliance with international agreements.

9. The National Technical Department is unable to comment further owing to a lack of background documents and information with which to back up its opinion.

China

[Original: Chinese]
[25 April 2007]

1. China supports resolution 61/75, entitled "Transparency and confidence-building measures in outer space activities", adopted by the sixty-first General Assembly.

2. China has consistently opposed the weaponization of and an arms race in outer space. We are of the view that the existing legal framework related to outer space is not effective enough to prevent the weaponization of and an arms race in outer space. The best way to prevent the weaponization of and an arms race in outer space is to conclude a new international legal instrument through negotiation. In recent years, China, together with the Russian Federation and many other countries, has been actively promoting in the Conference on Disarmament the negotiation and the conclusion of an international legal instrument on preventing the weaponization of and an arms race in outer space, and has made detailed proposals in this regard. These efforts have enjoyed a favourable response from many countries.

3. China is of the view that the appropriate transparency and confidence-building measures in outer space are conducive to reducing possible misunderstandings among countries with regard to their respective activities in outer space, preventing tension, improving mutual trust, and facilitating international cooperation on peaceful uses of outer space.

4. Although transparency and confidence-building measures, as intermediate measures, can be complementary to a negotiated international legal instrument on preventing the weaponization of and an arms race in outer space, they cannot replace the latter. The commitments by all countries not to place weapons in outer space and not to use or threaten to use force against outer space objects of other countries are the most crucial and practical transparency and confidence-building measures in outer space. Detailed ideas and further proposals in this regard are contained in the joint working paper submitted to the Conference on Disarmament by China and the Russian Federation as contained in document CD/1778.

5. China will continue, together with other members of the Conference on Disarmament, to actively promote prevention of the weaponization of and an arms race in outer space, and to commit itself to maintaining peace and security in outer space.

Cuba

[Original: Spanish]
[16 May 2007]

1. The General Assembly of the United Nations, through its resolution 61/75, entitled "Transparency and confidence-building measures in outer space activities", invited all States Members of the United Nations to submit to the Secretary-General concrete proposals on international outer space transparency and confidence-building measures in the interest of maintaining international peace and security and promoting international cooperation and the prevention of an arms race in outer space.

2. In response to this invitation, the Government of Cuba is pleased to transmit the following considerations.

3. Beginning in the 1960s, the international community adopted a series of legal instruments on outer space including the Partial Test Ban Treaty (1963), the Treaty on Peaceful Uses of Outer Space (1967) and the Agreement on Celestial Bodies (1979). These instruments have played a constructive part in the promotion of the peaceful uses of outer space and the regulation of outer space activities. They have also been of significance in relation to the ban on the deployment of weapons of mass destruction and certain military activities in outer space.

4. The prevention of an arms race in outer space is a universal goal; the majority of countries recognize that the arms race represents a grave threat to international peace and security. Yet, current developments provide lamentable proof that the existing treaties and agreements have failed to eliminate the dangers of the militarization of outer space because the situation clearly indicates that they are insufficient to prevent the deployment of weapons in the cosmos.

5. The existing multilateral machinery dealing with disarmament and arms control has the important responsibility of prevailing on the will of the international community in this regard. Cuba supports the efforts under way in the General Assembly and the Conference on Disarmament, especially the negotiation in the Conference of an international legal instrument on banning the deployment of weapons in outer space, and to this end it supports the establishment of a special or ad hoc committee to initiate negotiations.

6. Cuba shares the view both of countries that consider that the need to negotiate a new legal instrument arises because the existing treaties do not effectively prevent the testing, deployment and use of weapons, with the exception of weapons of mass destruction in outer space, especially in orbit around the Earth, on celestial bodies other than the Moon and in outer space, and of countries that maintain that none of these legal instruments is relevant to the question of the use or threat of force against objects in outer space.

7. In September 2006, Cuba had the honour of presiding over the Fourteenth Summit Conference of Heads of State or Government of Non-Aligned Countries, held in Havana, at which political leaders expressed their concern about the adverse consequences of the development and deployment of antiballistic-missile defence systems and the quest for advanced military technology capable of deployment in outer space, which had the potential to unleash an arms race and the subsequent

development of advanced missile systems together with an increase in the number of nuclear weapons.

8. General Assembly resolution 61/75 is a very important input in those efforts to prevent an arms race in outer space; accordingly, Cuba wishes to contribute the following ideas.

9. Although transparency and confidence-building are not a substitute for arms control and disarmament measures or a prerequisite for the application of such measures, they nevertheless can facilitate the achievement of disarmament commitments and measures for their verification. Confidence-building requires goodwill on the part of States, which must themselves decide if they will embark on confidence-building, what concrete measures they will adopt and how they will put them into practice.

10. The joint formulation of recommendations on possible confidence-building measures would in itself be conducive to a better understanding of States' intentions and the current and future situation in outer space. In this sense, the joint work on the preparation of transparency and confidence-building measures would of itself promote mutual trust.

11. Transparency and confidence-building measures in outer space activities could include:

- The convening of an international conference to analyse strict compliance with existing agreements on the peaceful uses of outer space;
- Review of the current legal regime regulating outer space activities in the light of technological advances;
- The adoption of multilateral agreements for the exchange of information on the use of outer space;
- The development of international cooperation mechanisms which guarantee to all countries equal access to the benefits of the utilization of outer space for peaceful purposes;
- Exchange of information on the major trends of the space policies of States, the principal programmes dealing with outer space research and utilization and the orbital parameters of space objects;
- Extending invitations to observers to attend the launching of space objects on a voluntary basis;
- Demonstration of space and rocket technologies;
- Issuing notifications about scheduled launchings of spacecraft, scheduled space manoeuvres that can result in dangerous proximity to spacecraft of other States, and the re-entry of guided spacecraft from orbit into the atmosphere;
- Consultations to clarify the information provided on outer space research and utilization programmes, on ambiguous situations and on other matters which are cause for concern; and to discuss the application of transparency and confidence-building measures agreed on in space activities.

12. Transparency and confidence-building measures can play an important part in the drafting, adoption and implementation of a new treaty banning the deployment

of weapons in outer space and the use or threat of use of force against spatial objects. They would also help to create conditions conducive to the conclusion of a new agreement. The preparation of recommendations on possible transparency and confidence-building measures in outer space constitutes a relatively simple first step towards strengthening security.

Libyan Arab Jamahiriya

[Original: Arabic]
[11 May 2007]

Concrete proposals of the Great Jamahiriya concerning General Assembly resolution 61/75, entitled "Transparency and confidence-building measures in outer space activities"

- The Libyan Arab Jamahiriya accords extreme importance to the efforts of the international community to prevent the weaponization of outer space and enhance international cooperation aimed at its use for peaceful purposes.
- For that reason, the Libyan Arab Jamahiriya made every effort to join the Committee on the Peaceful Uses of Outer Space in order to be able to participate, in a manner commensurate with its situation as a developing country, in international efforts, notwithstanding differences in technical and economic capabilities, in support of the goals and objectives stipulated in United Nations treaties and the related principles concerning outer space.
- The Libyan Arab Jamahiriya commends all the resolutions adopted by the United Nations General Assembly that stress the need for increased transparency and the importance of confidence-building measures conducive to ensuring the attainment of the objective of the prevention of an arms race in outer space and notes the constructive nature of the debate being held on this subject in the relevant forums.
- The Libyan Arab Jamahiriya is of the opinion that adhering in word and in deed to the provisions of the United Nations treaties, their principles pertaining to outer space and the principles governing related activities will be among the most important confidence-building factors that will motivate all parties, in particular States that possess advanced technologies in the area of space capabilities, to adopt an approach characterized by greater transparency in their practices connected with space activities and their use of available technologies.
- The Libyan Arab Jamahiriya reaffirms the importance of increased international awareness in defining outer space as the patrimony of all humanity and making known the potential destructive consequences, in the event of an arms race in outer space, and the armed struggles to which it might give rise.

Mexico

[Original: Spanish]
[22 May 2007]

1. Mexico supports the efforts of the international community to prevent an arms race in outer space and to promote international cooperation for the peaceful uses of outer space. In the Conference on Disarmament, it has supported proposals on preventing an arms race in outer space which recognize the need to preserve outer space as the common heritage of humanity in order to promote its development and prevent its destruction.

2. It has also supported the adoption of General Assembly resolutions on the subject and reiterated the importance of support by the international community for the principle of peaceful uses of outer space through transparency and confidence-building, particularly among States with advanced technologies in this field.

3. Although the 1993 study on the application of confidence-building measures in outer space provided a broad panorama of such measures, emphasizing the importance of security, openness and predictability in the definition of this type of measure, Mexico would emphasize the advisability of conducting a new evaluation with specific recommendations which take into consideration changes in the international context and technological advances and generate elements conducive to the adoption of effective action promoting a cooperative climate of confidence.

4. Mexico also considers it desirable to prevail on States with space capabilities to declare that they will not be the first to deploy a weapon of any kind in outer space. This will no doubt lead to the adoption of commitments which will prevent an arms race in outer space.

5. Mexico further considers it fundamental to include a robust multilateral verification regime in the negotiation and adoption of an international instrument on the prevention of an arms race in outer space, thereby building confidence among States and helping to ensure full implementation of the instrument. Although the absence of internationally accepted definitions in relation to outer space could stand in the way of negotiations on a treaty on the prevention of an arms race in outer space, it is important to remember that, within the framework of the Conference on Disarmament in 1988, some delegations suggested that it would be possible, with the help of experts, to formulate a definition that not only described space weapons but also enumerated their components.

Russian Federation

[Original: Russian]
[11 May 2007]

1. The Russian Federation considers that confidence-building measures help to ensure peace, security and stability at all levels, to eliminate possible threats and overcome challenges to peace and security, and to prevent military confrontation, while facilitating the management of situations that could lead to international tension. They make a significant contribution to improving inter-State relations and the development of dialogue and cooperation between countries.

2. Transparency and confidence-building measures in outer space activities, in view of the growing dependence of all countries in the world on the outcome of such activities, are an important component of confidence-building measures, which also include measures on land, at sea and in the air, and are intended to achieve similar aims. They are recognized as helping to prevent the emergence of outer space as a new sphere of confrontation, to avoid a new nuclear arms race and to establish conditions for the predictability of the strategic situation in outer space, the security of outer space activities and the protection of space assets. These measures may become a significant field for broad multilateral cooperation.

3. A number of transparency and confidence-building measures in outer space activities are already included in international agreements on outer space: the 1967 Outer Space Treaty, the 1968 Astronauts Rescue Agreement, the 1972 Liability Convention and the 1975 Registration Convention. Some of these measures are applied by States as a unilateral initiative and are political obligations.

4. Transparency and confidence-building measures are not, however, all-embracing in terms either of their coverage of the various types of outer space activity or of the participation of States in their implementation. Joint work is needed on additional measures in this area that are appropriate to the current stage of development of humanity.

5. In this work it would be useful to consider the results of the study on the application of confidence-building measures in outer space that was conducted by a group of governmental experts over the period 1990-1993 (it is included in the report by the Secretary-General contained in document A/48/305) and also other related proposals introduced by States, including some proposals in connection with General Assembly resolution 61/75.

6. In order to conduct a more in-depth study of issues relating to transparency and confidence-building measures and the preparation of recommendations for further work in this area, it would be useful to establish a group of governmental experts with the appropriate mandate.

7. The proposals of the Russian Federation in relation to possible transparency and confidence-building measures which are both relevant and forward-looking are set out below. This list is not exhaustive in nature but could, in our opinion, serve as a basis for further discussion.

8. Possible transparency and confidence-building measures fall into several categories:

- Measures aimed at enhancing the transparency of outer space programmes;
- Measures aimed at expanding the information available on outer space objects in orbit;
- Measures related to the rules of conduct for outer space activities.

9. Such measures may be carried out in various ways, including exchange of information, familiarization visits, notifications, consultations and thematic workshops:

(a) Exchange of information on:

(i) The main directions of States' outer space policy;

(ii) Major outer space research and use programmes;

(iii) Orbital parameters of outer space objects;

(b) Familiarization visits:

(i) Expert visits, including visits to space launch sites, flight command and control centres and other facilities of outer space infrastructure;

(ii) Invitation of observers to launches of spacecraft;

(iii) Demonstrations of rocket and space technologies;

(c) Notification of:

(i) Planned spacecraft launches;

(ii) Scheduled spacecraft manoeuvres which could result in dangerous proximity to spacecraft of other States;

(iii) The beginning of descent from orbit of unguided space objects and the predicted impact areas on Earth;

(iv) The return from orbit into the atmosphere of a guided spacecraft;

(v) The return of a spacecraft with a nuclear source of power on board, in the case of malfunction and danger of radioactive materials descending to Earth;

(d) Consultations:

(i) To clarify the information provided on outer space research and use programmes;

(ii) On ambiguous situations, as well as on other issues of concern;

(iii) To discuss the implementation of agreed transparency and confidence-building measures in outer space activities;

(e) Thematic workshops on various outer space research and use issues, organized on a bilateral or multilateral basis, with the participation of scientists, diplomats, military and technical experts.

Ukraine

[Original: Russian]
[14 May 2007]

1. In the view of Ukraine, States must unswervingly comply with the provisions of the international agreements to which they are parties, namely:

- the basic United Nations treaties on outer space (particularly taking account of the provisions of article IV of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, of 27 January 1967; and article IV of the Convention on Registration of Objects Launched into Outer Space, of 14 January 1975);
- the Comprehensive Nuclear-Test-Ban Treaty, of 24 September 1996;

- the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, of 5 August 1963.

2. Ukraine welcomes and supports the work of the multilateral non-proliferation regimes (the Missile Technology Control Regime, Nuclear Suppliers Group, the Zangger Committee, the Australia Group, and the Wassanaar Arrangement) and considers that the member States of these regimes must adhere to the provisions of their governing instruments in order to ensure transparency and increase confidence.

3. Ukraine proposes that the information from the annual declarations providing an outline of the policies of the States subscribing to the Hague Code of Conduct with respect to ballistic missile programmes and space launch vehicle programmes be used in order to draw up an annual generalized report to the Secretary-General.